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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Uresh K. Vahalia & Percy Tzelnic

Serial No.: 09/261,621

Group Art Unit: 2154

Filed: March 3, 1999

Examiner: Dustin Nguyen

For: File Server System Providing Direct Data Sharing Between Clients With A Server Acting As An Arbiter and Coordinator

Atty. Dkt. No.: EMCR:039/AUC

**TERMINAL DISCLAIMER TO OBViate DOUBLE PATENTING
REJECTION OVER PRIOR PATENT**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, EMC Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,324,581. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the attached copy of the Assignment by the inventors to EMC Corporation having been recorded at Reel 9803 Frame 0548, and certifies that to the best of my knowledge and belief, title of the present application remains in the name of the Assignee EMC Corporation.

The undersigned is empowered to act on behalf of the assignee, EMC Corporation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10/16/04

Date



Signature

Paul T. Dacier

Typed or printed name

Senior Vice President and General Counsel,
EMC Corporation

Title

If the terminal disclaimer fee is missing, please charge it to EMC Corporation Deposit Account No. 05-0889, Order No. EMC-98-092.

The Patent and Trademark Office's suggested wording for a terminal disclaimer Form PTO/SB/26(10-94) was changed by adding language pursuant to 37 C.F.R. § 3.73.



MAY 26, 1999

PTAS

ARNOLD WHITE & DURKEE
RICHARD C. AUCHTERLONIE
P.O. BOX 4433
HOUSTON, TEXAS 77210

100985015A



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office
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Washington, D.C. 20231

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UNITED STATES PATENT AND TRADEMARK OFFICE
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THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/03/1999

REEL/FRAME: 9803/0548
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

VAHALIA, URESH K.

DOC DATE: 03/02/1999

ASSIGNEE:

TZELNIC, PERCY

DOC DATE: 03/02/1999

ASSIGNOR:

EMC CORPORATION
35 PARKWOOD DRIVE
HOPKINTON, MASSACHUSETTS 01748

SERIAL NUMBER: 09261621
PATENT NUMBER:

FILING DATE: 03/03/1999
ISSUE DATE:

TARA WASHINGTON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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JUN 04 1999

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FORM PTO-1595
(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

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PATENT & TRADEMARK OFFICE

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U.S. Department of Commerce

Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original document or copy thereof.

JC511 U
09/26/99
03/03/99

1. Name of conveying party(ies):

Uresh K. Vahalia and Percy Tzelnic

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

Assignment
 Security Agreement
 Other

Merger
 Change of Name

Execution Date: March 2, 1999

2. Name and address of receiving party(ies):

Name: EMC Corporation

Street Address: 35 Parkwood Drive

City: Hopkinton State: MA Zip: 01748

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or registration number(s): 09/261,621

If this document is being filed together with a new application, the execution date of the application is: February 23 and March 2, 1999

A. Patent Application No.(s):

B. Patent No.(s):

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Richard C. Auchterlonie (EMCR:039)
 Arnold White & Durkee
 P.O. Box 4433

City: Houston State: Texas Zip: 77210

6. Total number of applications and patents involved: 1

7. Total fee (37 C.F.R. 3.41) \$.40

 Enclosed Authorized to be charged to deposit account

8. Deposit account number: EMC Corporation Deposit
 Account No. 05-0889/EMC-98-092; if this account is insufficient, charge Arnold White & Durkee Deposit Account No. 01-2508/EMCR:039

(Attach duplicate copy of this page if paying by deposit account)

03/12/1999 JSHABAZZ 00000048 012508 09261621

01 FC:581

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Richard C. Auchterlonie

Richard C. Auchterlonie

3/3/99

Name of Person Signing, Reg. No. 30,607

Signature

Date

Total number of pages including cover sheet, attachments and documents: 4

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks, Office of Public Records,

Crystal Gateway 4, Room 335, Washington, D.C. 20231

EXPRESS MAIL MAILING LABEL:

NUMBER EL018590427US

DATE OF DEPOSIT March 3, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington D.C. 20231.

Lorraine Davis
Signature

PATENT
FILE NO. EMCR:039
EMC-98-092

A S S I G N M E N T

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

SELL, ASSIGN AND TRANSFER to EMC Corporation (the "Assignee"), having a place of business at 35 Parkwood Drive, Hopkinton, Massachusetts 01748, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, which has been executed by the undersigned concurrently herewith and is entitled "**FILE SERVER SYSTEM PROVIDING DIRECT DATA SHARING BETWEEN CLIENTS WITH A SERVER ACTING AS AN ARBITER AND COORDINATOR**" such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof, and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: Uresh Vahalia
Name: Uresh K. Vahalia

Date: 3/2/99

Signature: Percy Tzelnic
Name: Percy Tzelnic

Date: 3/2/99

STATE OF MASSACHUSETTS)
) ss.
COUNTY OF Middlesex)

BEFORE ME, the undersigned authority, on this 2nd day of MARCH, 1999, personally appeared Uresh K. Vahalia, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

Dilip B. Dhamne
Notary or Consular Officer

[SEAL]

STATE OF MASSACHUSETTS)
) ss.
COUNTY OF Middlesex)

BEFORE ME, the undersigned authority, on this 2nd day of MARCH, 1999, personally appeared Percy Tzelnic, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

Dilip B. Dhamne
Notary or Consular Officer

[SEAL]

Assignment

FILE SERVER SYSTEM PROVIDING DIRECT DATA SHARING BETWEEN CLIENTS WITH A SERVER ACTING AS AN ARBITER AND COORDINATOR

ARNOLD, WHITE & DURKEE

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Houston, Texas 77210

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